

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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|------------------------------------|---|--------------------------------------|
| ----- | X | |
| MICHAEL RAPAPORT and MICHAEL | : | |
| DAVID PRODUCTIONS, INC., | : | |
| | : | |
| Plaintiffs, | : | Case No. 1:18-CV-08783 |
| | : | |
| -against- | : | |
| | : | |
| BARSTOOL SPORTS, INC., ADAM SMITH, | : | STIPULATION FOR DISMISSAL AND |
| KEVIN CLANCY, ERIC NATHAN and | : | REQUEST FOR ENTRY OF |
| DAVID PORTNOY, | : | JUDGMENT |
| | : | |
| Defendants. | : | |
| | : | |
| ----- | X | |
| ----- | X | |
| BARSTOOL SPORTS, INC., | : | |
| | : | |
| Counterclaimant, | : | |
| | : | |
| -against- | : | |
| | : | |
| MICHAEL RAPAPORT and MICHAEL | : | |
| DAVID PRODUCTIONS, INC, | : | |
| | : | |
| Cross-Defendants. | : | |
| | : | |
| | : | |
| ----- | X | |

STIPULATION FOR DISMISSAL AND REQUEST FOR ENTRY OF JUDGMENT

Plaintiffs and Counter-Defendants Michael Rapaport and Michael David Productions, Inc. (“Plaintiffs”) and Defendant and Counterclaimant Barstool Sports, Inc. (“Barstool”) (collectively, the “Parties”) respectfully request that the Court dismiss the remaining claims in the above-entitled action, with prejudice, pursuant to the below stipulation and enter judgment as follow:

1. Plaintiffs’ claims for breach of contract (Counts I-VIII in Plaintiffs’ First Amended Complaint) and Barstool’s counterclaim for breach of contract shall be dismissed with prejudice.

2. The Court shall enter judgment in favor of Defendants Barstool Sports, Inc., Adam Smith, Kevin Clancy, Eric Nathan and David Portnoy as to Plaintiffs’ fraudulent inducement and concealment claims (Counts IX and X) and defamation claims (Count XI) in accordance with the Court’s Memoranda and Orders (ECF Nos. 151 & 162), from which Plaintiffs may only appeal the Court’s judgment as to their defamation claims.

3. For the avoidance of doubt, nothing in this stipulation or any order stemming therefrom shall eliminate or otherwise restrict Plaintiffs’ right to appeal the Court’s Memoranda and Orders (ECF Nos. 151 & 162) or the judgment requested herein with respect to Plaintiffs’ defamation claims asserted against all of the named Defendants. Plaintiffs’ right to appeal such defamation claims against all of the named Defendants has been specifically preserved.

4. The Parties shall each bear his or its respective fees and costs.

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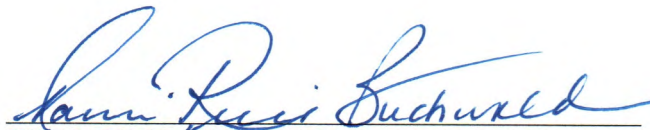
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*Attorneys for Plaintiffs and Cross-
Defendants*

ORDER

IT IS SO ORDERED.

Dated: September 12, 2022


THE HONORABLE NAOMI REICE BUCHWALD
UNITED STATES DISTRICT COURT JUDGE